REMARKS

Reconsideration of the present application as amended is requested.

The acceptance of the drawings as originally filed with the application on September 29, 2000 is noted.

The examiner's initialing of the three U.S. patents listed on Form PTO-1449 (Sheet 1 of 1) accompanying the Information Disclosure Statement originally filed with the application is noted.

In the first Office Action, Claims 1-4, 6, 8, 11-14, 16, 18 and 21 were rejected for lack of novelty over U.S. Patent No. 6,122,411 of Shen et al. assigned to Apple Computer, Inc. Independent Claim 1 has been amended to require that the remaining picture count is determined based on a predetermined decrement number corresponding to <u>an actual image file size of</u> each image file. Support for this amendment is found in the specification of the subject application on page 12, lines 9-12 and lines 30-32. Similarly, independent Claim 11 has been amended to require that the remaining picture count is determined based on a predetermined decrement number corresponding to <u>an actual image file size of</u> the image file. Similarly, independent Claim 21 has been amended to require that the control circuit determine a remaining picture count by searching a lookup table <u>corresponding to the selected picture mode using an actual image file size of an image file just generated</u>.

Shen et al. discloses a method and apparatus for automatically switching the resolution of an image stored in a memory when the memory can no longer store another image with the present resolution. A processor first determines the amount of available memory for storing image data. The resolution is then automatically switched from a high resolution to a low resolution when the amount of available memory is above a first predetermined level and below a second predetermined level. The number of pictures that can be taken in high resolution and the number of pictures that can be taken in low resolution are stored in a 4-bit memory which is connected to an 8-bit microprocessing unit. A display indicates how many images can still be taken in the selected resolution (high or low). When

the camera is turned on, both the number of pictures that can be taken, as well as the total memory used, are displayed on an LCD. Column 3, lines 32-34 and column 4, lines 20-25 of Shen et al. clearly indicate that the number of pictures that can be taken is determined based upon a predetermined standard image file size for high resolution images and a predetermined standard image file size for low resolution images. The number of pictures that can be taken in each resolution of Shen et al. does not depend upon a predetermined decrement number corresponding to an actual file size of an image taken with the camera, as required by amended Claims 1 and 11. Nor does Shen et al. teach or suggest determining a remaining picture count by searching a lookup table corresponding to the selected picture mode and using an actual image file size of an image file just generated, as required by amended Claim 21. Accordingly, withdrawal of the rejection of Claims 1-4, 6, 8, 11-14, 16, 18 and 21 over Shen et al. is requested.

Claim 5 has been rejected for alleged obviousness over Shen et al., however, for the reasons argued above with respect to its amended parent claim, the subject matter of dependent Claim 5 would not have been obvious over Shen et al. This is because even if it would have been obvious to make the modification to Shen et al. as proposed by the examiner, which Applicants' do not concede, the result would still not be the camera of amended Claim 1 wherein the remaining picture count is generated based upon a predetermined decrement number corresponding to an actual image file size of each image file.

Claim 15 has been rejected for alleged obviousness over Shen et al. and Long et al. However, in view of the amendment to independent parent Claim 11, dependent Claim 15 is allowable for the same reasons argued above that dependent Claim 5 is allowable.

Claims 7, 9, 10, 17, 19 and 20 have been rejected for alleged obviousness over Shen et al. in view of Uehra. Claims 7, 9, 10, 17 and 19 are allowable in view of the amendments to parent independent Claims 1 and 11. With regard to independent Claim 20, that claim requires that the remaining picture count is based on a plurality of lookup tables each corresponding to one of the plurality of picture modes selected from the group consisting of a plurality of picture resolutions, a plurality of data compression levels, and a combination of

picture resolutions and data compression levels. In Shen et al., the number of pictures that can be taken is not based on any compression levels. The cited text of Uehara (column 1, lines 20-23) merely indicates that image data can be compressed in a digital still camera. There is nothing in this reference which suggests that the camera of Shen et al. should be modified so that the number of pictures that can be taken is determined based on both selected image resolution and selected data compression. Moreover, even if the Shen et al. camera were modified in light of Uehara as proposed by the examiner, the result would still not be Claim 20 which requires a plurality of picture modes that includes combinations of picture resolutions and data compression levels. Accordingly, withdrawal of the obviousness rejection of Claim 20 over Shen et al., combined with Uehara, is requested.

Claims 22-25 have been rejected both for alleged obviousness over Shen et al., combined with various other references. However, without conceding that the examiner's proposed modifications of the Shen et al. camera would have been obvious over Moore, Roberts et al. or Haruki, even if the Shen et al. camera were modified as proposed by the examiner, the result would still not be the camera of amended Claim 21 which requires that the control circuit determine a remaining picture count by searching a lookup table corresponding to the selected picture mode and using an actual image file size of an image file just generated. Accordingly, withdrawal of the obviousness rejections of Claims 22-25 is requested.

This application is in condition for allowance. No additional fee is due at this time.

Respectfully submitted,

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